

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

THOMAS ALLEN GORDON,

Plaintiff,

v.

JOE BARNETT, *et al*,

Defendants.

Case No. C03-5524KLS

ORDER DENYING PLAINTIFF'S  
SECOND MOTION TO COMPEL  
DISCOVERY PURSUANT TO  
FEDERAL RULE OF CIVIL  
PROCEDURE 45

This matter is before the court on plaintiff's filing of a motion for extension of time to file a subpoena *duces tecum* on a non-party to this action. (Dkt. #99). After reviewing plaintiff's motion and the remaining record, the court hereby finds and ORDERS:

In his motion, plaintiff seeks an extension of time to serve the "Correctional Records Specialist" at the Washington State Penitentiary, a non-party to this action, to permit plaintiff to inspect and copy his prison file. Plaintiff requests the extension of time because he was transferred from the Washington State Penitentiary to the Multnomah County Justice Center in Oregon on May 25, 2005, and was recently reissued a subpoena form in blank.

It does not appear from the record that plaintiff has served his motion on any of the defendants. Accordingly, plaintiff's motion for extension of time (Dkt. #99) is DENIED. The court, however, shall

1 grant plaintiff the opportunity to re-file and serve his motion in the proper manner. Thus, should plaintiff  
2 choose to re-file his motion, he shall abide by the filing, service and noting requirements set forth in Local  
3 Rule CR 7(b). Failure to do so may result in the denial of his motion.

4 The clerk is directed to send copies of this Order to plaintiff and counsel for defendants.

5 DATED this 31st day of August, 2005.

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10 United States Magistrate Judge  
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